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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,552	10/07/2005	Maron Christof	PC10500US	1422
23122	7590	09/24/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER WILLIAMS, THOMAS J	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,552	<b>Applicant(s)</b> CHRISTOF ET AL.	
	<b>Examiner</b> Thomas J. Williams	<b>Art Unit</b> 3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13,14,16,17,19-21 and 24 is/are rejected.
- 7) ☒ Claim(s) 15,18,22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/11/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the preliminary amendment, priority papers and the information disclosure statement filed February 11, 2005 and the oath filed October 7, 2005.

#### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "means" appears in line 2.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 13, 14, 16, 17, 19-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,209,689 to Bohm in view of WO 02/46016 A1 to Ewinger et al.

US 6,738,703 is an English language counterpart to WO 02/46016 A1.

Re-claims 13, 16, 21 and 24, Bohm teaches a method for actuating an electromechanical parking brake device, comprising: an electric motor, a reduction gear (Bohm provides as an example of the electromechanical brake a device having a hollow rotor encompassing a gear unit, see column 1 lines 16-18, this is essentially a reduction gear), a mean value of the torque of the electric motor (represented by  $F_{actF,nominal}$ ) is determined and stored while the actuator position is detected. Bohm specifically teaches that the nominal value ( $F_{actF,nominal}$ ) is adjusted as necessary for use at later points in time, see abstract and column 4 lines 47-50, as such a new characteristic curve is stored. The examiner interprets this as an increasing adjustment. However, Bohm fails to specifically teach the nominal value multiplied by a correction factor equal to/greater than one ( $=>1$ ) in order to maintain or increase the exerted tension force.

Ewinger et al. teach a method for actuating an electromechanical parking brake, wherein a torque park value is adjusted as required, for instance during vehicle load change or vehicle inclination. This adjustment involves an increased braking torque, for example by a factor of 10%, see column 4 lines 39-43. It would have been obvious to one of ordinary skill in the art when having utilized the adjustment schemes of Bohm to have specifically included an

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increasing adjustment factor as taught by Ewinger et al., thus allowing the parking brake to adjust for changes in inclination, temperature or loading.

Re-claim 14, Bohm teaches measuring the current supplied to the motor.

Re-claims 17, 19 and 20, Bohm teaches taking into consideration a temperature or aging (loss of efficiency) of the actuator, see column 5 lines 34-44.

### *Allowable Subject Matter*

6. Claims 15, 18, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Balz, McCann et al., Koga et al., Erben et al. and Suzuki et al. each teach a method of adjusting upwards the parking brake torque.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

September 13, 2007

**THOMAS J. WILLIAMS**  
**PRIMARY EXAMINER**

*Thomas Williams*

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9-13-07